

2011 DRAFTING REQUEST

Bill

Received: **01/23/2012**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Workforce Development 7-1406**

By/Representing: **him**

May Contact:

Drafter: **jkuesel**

Subject: **Unemployment Insurance**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Daniel.LaRocque@dwd.wisconsin.gov**

Carbon copy (CC:) to: **connie.schulze@dwd.wisconsin.gov**
andrea.reid@dwd.wisconsin.gov
craig.barkelar@dwd.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Availability for work; temporary appeals judges; program integrity

Instructions:

Per attached E mail, 1/22/12.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|------------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | jkuesel 01/27/2012 | csicilia 01/30/2012 | | _____ _____ | | | State |
| /1 | | | jfrantze 01/30/2012 | _____ _____ | mbarman 01/30/2012 | | State |
| /2 | jkuesel 01/30/2012 | csicilia 01/31/2012 | rschluet 01/31/2012 | _____ _____ | mbarman 01/31/2012 | mbarman 01/31/2012 | |

FE Sent For:

at intro
1-31-12

<END>

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*for Assembly
(see attached)
send to
Rep. Ballweg*

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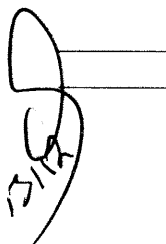
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| /1 | | | jfrantze 01/30/2012 | | mbarman 01/30/2012 | | State |
| /2 | jkuesel 01/30/2012 | lrb_editor | | | | | |

1/2 js 1/31/12



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|--------------|--------------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/1 | jkuesel 1/21/12 | 1/30 12 | 1/30 1/30 | ph 1/30 | | | |

FE Sent For:

<END>

Kuesel, Jeffery

From: LaRocque, Daniel J - DWD [Daniel.LaRocque@dwd.wisconsin.gov]
Sent: Monday, January 23, 2012 12:12 PM
To: Kuesel, Jeffery
Cc: Barkelar, Craig D - DWD; Schulze, Connie R - DWD; Maxwell, Georgia E - DWD
Subject: FW: Moving forward with advisory council approved items

Importance: High

Attachments: Council agreed bill provisions Jan 12 2012 012312.doc; approved changes to ch 108.pdf; approved changes to ch 108.pdf

Jeff:

As you can see below, I am told that the department, after consultation with the Labor chairs, has decided that the **3 department proposals** for UI law change (that the Council voted on Jan 12) should be a separate bill – not attached to the pending 2011 agreed bill. The 3 proposals are as you and I discussed recently and are described in the attachment below that given to the Council and was the basis for the Council's vote on January 12.

I am also attaching a document that contains our attempt to draft the three proposals. That draft is written to create the fraud penalty fund and appropriation for program integrity, which were also part of the Council's September 22 2011 resolution. While I cannot say we are entirely settled on the details of the draft, I think it is a substantial step in the intended direction.

Finally, I have been asked to inquire of LRB as to what is the last date on which we could timely submit draft language for the proposal that the Council agreed upon in September 2011 to authorize **bonding to finance repayment of the federal loans to the Reserve Fund**. Perhaps that is an area that others in your agency will have to respond to. It is my understanding the DOA's bond counsel are working at this moment to complete draft bill language for this proposal.

Dan



Council agreed bill provisions... approved changes to ch 108.pdf

From: Schulze, Connie R - DWD
Sent: Monday, January 23, 2012 10:10 AM
To: Barkelar, Craig D - DWD
Cc: Maxwell, Georgia E - DWD; Williams, Vincent - LEGIS; Kelly, Scott - LEGIS
Subject: FW: Moving forward with advisory council approved items
Importance: High

Hi Craig,

Please have this drafted as a stand alone bill. I will deliver the companion bills to the labor chairs once it is jacketed. Thank you.

Sincerely,

Connie Schulze

Legislative Liaison

Wisconsin Department of Workforce Development

201 E. Washington Avenue, A400

Madison, WI 53703

Ph: 608/266-1756 Fax: 608/266-1784

connie.schulze@dwd.wisconsin.gov

From: Barkelar, Craig D - DWD
Sent: Friday, January 20, 2012 8:07 AM
To: Maxwell, Georgia E - DWD; Schulze, Connie R - DWD
Cc: LaRocque, Daniel J - DWD
Subject: Moving forward with advisory council approved items
Importance: High

Good morning,

Three small items were approved by the advisory council at its last meeting. I have attached a summary of them.



approved
anges to ch 108.pc

Thanks!

Craig Barkelar

Administrator, Division of Unemployment Insurance
Wisconsin Department of Workforce Development
201 East Washington Avenue, Room E300
Madison, WI 53703
Phone: (608) 266-8533 / Fax: (608) 266-0593
Craig.Barkelar@dwd.wisconsin.gov

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TIGHTEN REQUIREMENT OF AVAILABILITY FOR WORK

1. Create s. 108.04(2)(ae):

A claimant is not available for work under par. (a) in any week in which he or she is located outside of the United States, as defined in s. 108.02(15)(do)2, or Canada for more than 48 hours unless the claimant has authorization to work in that country and there is a reciprocal agreement concerning the payment of unemployment benefits between that country and the United States.

2. Initial applicability:

The treatment of s. 108.04(2)(ae) of the statutes first applies with respect to weeks of unemployment beginning on the effective date of this subsection.

3. Description of Amendment:

The proposal assures a limit on eligibility for benefits when a claimant leaves the country for more than a brief period (48-hours, which is the general standard in the law for brief departures from the individual's labor market.) The proposal codifies current department practice.

REMOVE LIMITS ON DEPARTMENT'S HIRING OF TEMPORARY APPEALS JUDGES

1. Amend s. 108.09 (3)(a)2:

108.09(3)(a)2. The department may appoint an individual who is not a permanent employee of the department to serve as a temporary reserve appeal tribunal ~~if the individual formerly served as an appeal tribunal while employed by the department and retired from state service as a permanent employee.~~ An individual who is appointed to serve as a temporary reserve appeal tribunal shall be an attorney who is licensed to practice in this state.

2. Initial applicability

The treatment of s. 108.09(3)(a)2 first applies on the effective date of the act.

3. Description of Amendment:

Current law has prequalification requirements that an attorney must satisfy for DWD to appoint an attorney to serve as a temporary administrative law judge to hear appeals in unemployment insurance cases. Amendment removes two of these prequalification requirements. The two prequalification requirements removed would be that:

- (1) The attorney must have previously served as an administrative law judge who heard appeals in unemployment insurance cases; and,
- (2) The attorney must have retired from state service as a permanent employee.

**CREATION OF 15% PENALTY FOR FRAUD AND PROGRAM INTEGRITY
FUND WITH INSTRUCTIONS FOR DEPOSIT OF PENALTY MONEYS
TO CONFORM TO UPCOMING FEDERAL REQUIREMENTS**

1. Create s. 20.445 (1) (v):

20.445 (1) (v) Unemployment program integrity. From the unemployment program integrity fund, a sum sufficient to make the payments authorized under s. 108.19 (1s).

2. Create s. 25.17 (1)(xf):

25.17 (1) (xf) Unemployment program integrity fund (s. 108.19 (1s));

3. Create s. 108.04 (11)(bh):

In addition to ineligibility for benefits resulting from concealment as provided in par. (be), the department shall assess a penalty against the claimant in an amount equal to 15 percent of the benefit payments erroneously paid to the claimant as a result of one or more acts of concealment described in pars. (a) and (b).

4. Amend s. 108.09 (2)(b):

The department shall issue determinations whenever necessary to resolve any matters which may bar, suspend, terminate or otherwise affect the employee's eligibility for benefits or to resolve any liability for penalties under s. 108.04 (11) (bh).

5. Amend s. 108.09 (8)(b):

Any party in a dispute concerning benefit eligibility or liability for overpayment of benefits or a penalty imposed under s. 108.04 (11) (bh), or in any administrative proceeding under this chapter concerning such a dispute, may be represented by counsel or another agent; but no such counsel or agent may together charge or receive from an employee for all such representation in connection with such a dispute a fee which, in the aggregate, exceeds 10% of the maximum benefits at issue unless the department has first approved a specified higher fee. This paragraph does not apply to any fee charged for representation before a court of law.

6. Create s. 108.16 (6)(n):

On or after October 21, 2013, any penalty collected pursuant to s. 108.04 (11) (bh).

7. Create s. 108.19 (1s):

(a) There is created a separate, nonlapsible trust fund designated as the unemployment program integrity fund. The unemployment program integrity fund shall consist of all moneys collected under s. 108.04 (11) (bh) prior to October 21, 2013 and any other moneys designated by the department

(b) The department shall use the moneys in the unemployment program integrity fund for payment of costs associated with program integrity activities.

8. Create s. 108.22 (8)(bh):

To recover any penalty under s. 108.04 (11) (bh), the department may recoup the amount of the penalty by filing a warrant against the liable individual in the same manner as is provided in this section for collecting delinquent payments from employers.

9. Amend s. 108.225 (1)(b):

"Debt" means a delinquent contribution or repayment of a benefit overpayment, an assessment under s. 108.04 (11) (cm), a liability incurred under s. 108.04 (11) (bh), or any liability of a 3rd party for failure to surrender to the department property or rights to property subject to levy after proceedings under sub. (4) (b) and s. 108.10 to determine that liability.

10. Amend s. 108.225 (16)(am)1 (intro):

In the case of benefit overpayments or a penalty imposed under s. 108.04 (11) (bh), an individual debtor is entitled to an exemption from levy of 80% of the debtor's disposable earnings, except that:

11. Amend s. 108.225 (17):

The first \$1,000 of an account in a depository institution is exempt from any levy to recover a benefit overpayment or a penalty imposed under s. 108.04 (11) (bh). No other property is exempt from levy except as provided in sub. (16).

12. Amend s. 108.24 (1):

Any person who knowingly makes a false statement or representation to obtain any benefit payment under this chapter, either for himself or herself or for any other person, shall be fined not less than \$100 nor more than \$500 or imprisoned not more than 90 days, or both; and each such false statement or representation constitutes a separate offense. This penalty is in addition to any penalty imposed under s. 108.04 (11) (bh).

13. Initial applicability

The treatment of sections 20.445 (1) (v), 25.17 (1) (xf), 108.04 (11) (bh), 108.09 (2) (b), and (8) (b), 108.16(6)(n), 108.19 (1s), 108.22 (8) (bh), 108.225 (1) (b) (with respect to liabilities incurred under section 108.04 (11) (bh) of the statutes), (16) (am) 1. (intro.), and (17) and 108.24 (1) of the statutes first applies with respect to weeks of employment beginning with the first Sunday that follows the 180th day beginning after the effective date of this subsection.

14. Description of Amendment

The amendment provides that a claimant who is found guilty of fraud is subject to a penalty equal to 15 percent of the benefit payments erroneously paid to the claimant. The funds collected will be placed in a newly created program integrity fund until October 21, 2013.

By October 21, 2013, as a condition of receiving Wisconsin's federal grant to administer its unemployment compensation law, Wisconsin must assess at least a 15 percent penalty on any fraudulent overpayment. Unemployment Insurance Program Letter No. 02-12 provides that the notices advising claimants of these penalties must include, along with the claimant's appeal rights, the penalty amount and an explanation of the reason for the overpayment and the reason the penalty has been applied.

As of October 21, 2013, this 15 percent penalty must be immediately deposited into Wisconsin's unemployment trust fund. The federal legislation allows that if a state assesses a greater amount than 15 percent it may deposit the collected amount beyond the 15 percent into another fund.

AUTHORITY OF APPEAL TRIBUNALS

1. Amend s. 108.09(3)(b)

The Consistently with applicable state and federal law, the appeal tribunal may affirm, reverse or modify the initial determination of the department or set aside the determination and remand the matter to the department for further proceedings, or may remand to the department for consideration of any issue not previously investigated by the department.

2. Initial Applicability

The treatment of s. 108.09(3)(b) first applies on the effective date of the act.

3. Description of Amendment

Currently, DWD is directed by law to appoint appeal tribunals to administratively hear and decide disputed UI claims and other matters arising under the UI law. This amendment provides that the actions of appeal tribunals must be consistent with applicable state and federal law, and codifies current department practice.

INTEREST ON DELINQUENT PAYMENTS

1. Amend s. 108.22(1)(a):

108.22 (1) (a) If any employer, other than an employer which has ceased business and has not paid or incurred a liability to pay wages in any quarter following the cessation of business, is delinquent in making by the assigned due date any payment to the department required of it under this chapter, the employer shall pay interest on the delinquent payment at ~~the rate of one percent per that monthly rate that annualized is equal to 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the preceding year for each~~ month or fraction thereof that the employer is delinquent from the date such payment became due. If any such employer is delinquent in making any quarterly report under s.108.205 (1) by the assigned due date, the employer shall pay a tardy filing fee of \$50 due.

2. Initial applicability:

The treatment of section 108.22 (1) (a) of the statutes first applies with respect to interest charged on liabilities 90 days after the effective date of this subsection.

3. Description of amendment:

Currently, if an employer does not make a payment required under the UI law to DWD by the due date, the employer must pay interest on the amount owed equal to one percent per month or fraction thereof from the date that the payment became due. This bill changes the interest rate on delinquent payments to that monthly rate that annualized is equal to 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the preceding year for each month or fraction thereof that the employer is delinquent.

DWD Proposals for Change to the Unemployment Statutes

1. Tighten requirement of availability for work

Create s.108.04(2)(ae):

A claimant is not available for work under par. (a) in any week in which he or she is located outside of the United States, as defined in s. 108.02(15)(d)2, or Canada for more than 48 hours unless the claimant has authorization to work in that country and there is a reciprocal agreement concerning the payment of unemployment benefits between that country and the United States.

Comment: The Labor and Industry Review Commission recently rejected the department's treatment of the availability requirement when an individual is outside the country. This proposal assures a limit on eligibility for benefits when a claimant leaves the country for more than a brief period (48-hours, which is the general standard in the law for brief departures from the individual's labor market).

2 Remove limits on department's hiring of temporary appeals judges

Amend s.108.09 (3) (a) 2. to read:

2. The department may appoint an individual who is not a permanent employee of the department to serve as a temporary reserve appeal tribunal ~~if the individual formerly served as an appeal tribunal while employed by the department and retired from state service as a permanent employee.~~ An individual who is appointed to serve as a temporary reserve appeal tribunal shall be an attorney who is licensed to practice in this state.

Comment: "Appeal tribunal" means unemployment administrative law judge. The change would permits the department to access not only the former UI ALJs but also the general market for attorneys and retired judges when seeking to fill temporary UI ALJ positions.

3. Conform to federal law requirements that the 15% penalty on fraudulent overpayments be paid into the Reserve Fund.

This proposal would simply assure that on and after October 21, 2013, a 15% penalty on fraudulent overpayment of benefits would flow to the Reserve Fund, as required by federal law.

Explanation:

At its September 22, 2011 meeting the UI Advisory Council approved a legislative proposal to enact a 15% penalty on fraudulent overpayments. The proposal (contained in the Council's agreed bill, 2011 SB 219) also required that the proceeds of penalties paid be used *to fund program integrity functions* for the unemployment program.

In November 2011, Congress legislated a requirement that the states legislate the 15% penalty on fraudulent overpayments – but altered the anticipated provision that the proceeds be used for program integrity functions. In stead of program integrity, the federal law requires that the penalty proceeds be *paid into the state's reserve fund*.

As a result, SB-219 does not include the provisions required to fully conform the federal law.

States must legislate and conform to the federal requirements (15% penalty and proceeds to the reserve fund) **by October 21, 2013**. If the penalty is enacted in Wisconsin sooner than that date – as would occur by either this proposal or by SB-219 – this proposal, if enacted, would not only allow the penalty payments to be used for unemployment program integrity functions until October 21, 2013. This proposal would also assure that on and after that date, the penalties recovered would flow to the Reserve Fund, as required by federal law.



NOON
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3912A 1

JTK.....

Mon 1/30

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

js

Inserts

Gen
Cat

interest on delinquent payments

1 AN ACT relating to: concealment of benefit claim information, availability for
2 work, and ^{the} composition of appeal tribunals ^{and authority} under the unemployment insurance
3 law.

concealment of benefit claim information

Analysis by the Legislative Reference Bureau

This bill makes changes in the requirement to maintain availability for work, ^{and the} composition of appeal tribunals, ^{and authority} ~~and program integrity~~ under the unemployment insurance (UI) law.

Concealment of benefit claim information

Currently, if a claimant conceals any material fact relating to his or her eligibility for UI benefits or conceals any wages earned in or paid or payable for a given week, the claimant is subject to graduated monetary penalties that increase in severity with the number of determinations of concealment by the claimant. In addition, if a claimant conceals any wages for a given week, the claimant is ineligible to receive any benefits for that week.

This bill provides instead that a claimant who conceals any material fact relating to his or her eligibility for UI benefits or conceals any wages is subject to a graduated forfeiture of benefit amounts equivalent to specified weeks of benefit eligibility that increases in severity with the number of determinations of concealment by the claimant. In addition, a claimant who is found guilty of concealment is subject to a penalty equal to 15 percent of the benefit payments erroneously paid to the claimant as a result of any acts of concealment. Under the bill, revenues collected from the penalties are deposited in the unemployment reserve fund, which is used to pay benefits.

interest on delinquent payments

Availability for work

Currently, with certain exceptions, a claimant is eligible for UI benefits for any week in which the claimant earns no wages only if the claimant is available for work during that week. This bill provides specifically that a claimant is not considered to be available for work in any week in which he or she is outside the United States or Canada for more than 48 hours unless the claimant has authorization to work in that country and there is a reciprocal agreement concerning the payment of benefits between that country and the United States.

Composition of appeal tribunals

Currently, ~~the Department of Workforce Development (DWD)~~ is directed by law to appoint appeal tribunals to administratively hear and decide disputed UI claims and other matters arising under the UI law. An individual who is appointed to serve as an appeal tribunal must be a permanent employee of DWD except that DWD may appoint a person to serve as a temporary appeal tribunal if the individual was formerly appointed to serve as a tribunal while employed by DWD and retired from state service as a permanent employee. This bill permits DWD to appoint any attorney who is licensed to practice in this state to serve as a temporary appeal tribunal.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 108.04 (2) (ae) of the statutes is created to read:

108.04 (2) (ae) A claimant is not available for work under par. (a) 1. in any week in which he or she is located outside the United States, as defined in s. 108.02 (15) (do) 2., or Canada for more than 48 hours unless the claimant has authorization to work in that country and there is a reciprocal agreement concerning the payment of unemployment insurance benefits between that country and the United States.

SECTION 2. 108.04 (11) (bh) of the statutes is created to read:

108.04 (11) (bh) In addition to ineligibility for benefits resulting from concealment as provided in par. (be), the department shall assess a penalty against the claimant in an amount equal to 15 percent of the benefit payments erroneously

1 paid to the claimant as a result of one or more acts of concealment described in pars.
2 (a) and (b).

3 **SECTION 3.** 108.09 (2) (b) of the statutes is amended to read:

4 108.09 (2) (b) The department shall issue determinations whenever necessary
5 to resolve any matters ~~which~~ that may bar, suspend, terminate or otherwise affect
6 the employee's eligibility for benefits or to resolve any liability for penalties under
7 s. 108.04 (11) (bh). ✓

8 History: 1971 c. 147; 1973 c. 247; 1975 c. 343; 1977 c. 29, 418; 1979 c. 52, 221; 1981 c. 36; 1985 a. 17, 29; 1987 a. 38 ss. 81 to 86, 136; 1989 a. 56 s. 259; 1989 a. 77; 1991 a. 89, 269; 1993 a. 373; 1995 a. 118; 1997 a. 35, 39; 1999 a. 15; 2001 a. 35; 2003 a. 197; 2005 a. 86, 253; 2007 a. 59; 2009 a. 287; 2011 a. 32.

9 **SECTION 4.** 108.09 (3) (a) 2. of the statutes is amended to read:

10 108.09 (3) (a) 2. The department may appoint an individual who is not a
11 permanent employee of the department to serve as a temporary reserve appeal
12 tribunal ~~if the individual formerly served as an appeal tribunal while employed by~~
13 ~~the department and retired from state service as a permanent employee.~~ An
14 individual who is appointed to serve as a temporary reserve appeal tribunal shall be
an attorney who is licensed to practice in this state.

15 History: 1971 c. 147; 1973 c. 247; 1975 c. 343; 1977 c. 29, 418; 1979 c. 52, 221; 1981 c. 36; 1985 a. 17, 29; 1987 a. 38 ss. 81 to 86, 136; 1989 a. 56 s. 259; 1989 a. 77; 1991 a. 89, 269; 1993 a. 373; 1995 a. 118; 1997 a. 35, 39; 1999 a. 15; 2001 a. 35; 2003 a. 197; 2005 a. 86, 253; 2007 a. 59; 2009 a. 287; 2011 a. 32.

16 **SECTION 5.** 108.09 (8) (b) of the statutes is amended to read:

17 108.09 (8) (b) Any party in a dispute concerning benefit eligibility or liability
18 for overpayment of benefits or a penalty imposed under s. 108.04 (11) (b), or in any
19 administrative proceeding under this chapter concerning such a dispute, may be
20 represented by counsel or another agent; but no such counsel or agent may together
21 charge or receive from an employee for all such representation in connection with
such a dispute a fee which, in the aggregate, exceeds 10% of the maximum benefits

material
moved from p. 5

INS Q

1 at issue unless the department has first approved a specified higher fee. This
2 paragraph does not apply to any fee charged for representation before a court of law.

3 History: 1971 c. 147; 1973 c. 147; 1975 c. 33; 1977 c. 29, 418; 1979 c. 52, 221; 1981 c. 36; 1985 a. 17, 29; 1987 a. 38 ss. 81 to 86, 136; 1989 a. 56 s. 259; 1989 a. 77; 1991 a. 89, 269; 1993 a. 373; 1995 a. 118; 1997 a. 35, 39; 1999 a. 15; 2001 a. 35; 2003 a. 197; 2005 a. 86, 253; 2007 a. 59; 2009 a. 287; 2011 a. 32.

4 **SECTION 6.** 108.22 (8) (bh) of the statutes is created to read:

5 108.22 (8) (bh) To recover any penalty under s. 108.04 (11) (bh), the department
6 may recoup the amount of the penalty by filing a warrant against a liable individual
7 in the same manner as is provided in this section for collecting delinquent payments
8 from employers.

9 **SECTION 7.** 108.225 (1) (b) of the statutes is amended to read:

10 108.225 (1) (b) "Debt" means a delinquent contribution or repayment of a
11 benefit overpayment, an assessment under s. 108.04 (11) (cm) or 108.19 (1m), a
12 liability incurred under s. 108.04 (11) (bh), or any liability of a 3rd party for failure
13 to surrender to the department property or rights to property subject to levy after
14 proceedings under sub. (4) (b) and s. 108.10 to determine that liability.

15 History: 1989 a. 77; 1997 a. 187, 283; 2001 a. 35, 109; 2003 a. 197; 2005 a. 86, 442.

16 **SECTION 8.** 108.225 (16) (am) 1. (intro.) of the statutes is amended to read:

17 108.225 (16) (am) 1. (intro.) In the case of benefit overpayments or a penalty
18 imposed under s. 108.04 (11) (bh), an individual debtor is entitled to an exemption
19 from levy of 80% of the debtor's disposable earnings, except that:

20 History: 1989 a. 77; 1997 a. 187, 283; 2001 a. 35, 109; 2003 a. 197; 2005 a. 86, 442.

21 **SECTION 9.** 108.225 (17) of the statutes is amended to read:

22 108.225 (17) EXEMPTIONS. The first \$1,000 of an account in a depository
23 institution is exempt from any levy to recover a benefit overpayment or penalty
24 imposed under s. 108.04 (11) (bh). No other property is exempt from levy except as
25 provided in sub. (16).

26 History: 1989 a. 77; 1997 a. 187, 283; 2001 a. 35, 109; 2003 a. 197; 2005 a. 86, 442.

27 **SECTION 10.** 108.24 (1) of the statutes is amended to read:

1 108.24 (1) Any person who knowingly makes a false statement or
2 representation to obtain any benefit payment under this chapter, either for himself
3 or herself or for any other person, shall be fined not less than \$100 nor more than
4 \$500 or imprisoned not more than 90 days, or both; and each such false statement
5 or representation constitutes a separate offense. This penalty is in addition to any
6 penalty imposed under s. 108.04 (11) (bh).

History: 1973 c. 247; 1983 a. 8; 1991 a. 89; 2005 a. 86; 2009 a. 28, 287, 288.

7 **SECTION 11.** 108.16 (6) (n) of the statutes is created to read:

8 108.16 (6) (n) Any penalty collected under s. 108.04 (11) (bh).

9 **SECTION 12. Initial applicability.**

10 (1) The treatment of sections 108.04 (11) (bh), 108.09 (2) (b) and (8) (b), 108.16
11 (6) (n), 108.22 (8) (bh), 108.225 (1) (b), (16) (am) 1. (intro.), and (17) and 108.24 (1)
12 of the statutes first applies with respect to weeks of employment beginning with the
13 first Sunday that follows the 180th day beginning after the effective date of this
14 subsection.

15 (2) The treatment of section 108.04 (2) (ae) of the statutes first applies with
16 respect to weeks of unemployment beginning on the effective date of this subsection.

17 **SECTION 13. Effective date.**

18 (1) This act takes effect on the first Sunday after publication.

19 (END)

ASSEMBLY BILL 310

25.17 (1) (xf) Unemployment program integrity fund (s. 108.19 (1s));

SECTION 7. 108.04 (2) (a) 3. (intro.) of the statutes is amended to read:

108.04 (2) (a) 3. (intro.) The individual conducts a reasonable search for suitable work during that week, unless the search requirement is waived under par.

(b). The search for suitable work must include 2 actions that constitute a reasonable search as prescribed by rule of the department. This subdivision does not apply to an individual if the department determines that the individual is currently laid off from employment with an employer but there is a reasonable expectation of reemployment of the individual by that employer. In determining whether the individual has a reasonable expectation of reemployment by an employer, the department shall request the employer to verify the individual's employment status and shall also consider other factors, including:

SECTION 8. 108.04 (2) (bm) of the statutes is created to read:

108.04 (2) (bm) A claimant is ineligible to receive benefits for any week for which there is a determination that the claimant failed to conduct a reasonable search for suitable work and the department has not waived the search requirement under par. (b). If the department has paid benefits to a claimant for any such week, the department may recover the overpayment under s. 108.22 (8).

SECTION 9. 108.04 (8) (b) of the statutes, as created by 2011 Wisconsin Act 32, ~~is repealed.~~

SECTION 10. 108.04 (11) (a) and (b) of the statutes are amended to read:

108.04 (11) (a) If a claimant, in filing his or her application for benefits or claim for any week, conceals any material fact relating to his or her eligibility for benefits, the claimant ~~shall forfeit benefits in accordance with~~ is ineligible for benefits as provided in par. (be).

ASSEMBLY BILL 310

SECTION 10

1 (b) If a claimant, in filing a claim for any week, conceals any of his or her wages
2 earned in or paid or payable for that week, the claimant ~~shall forfeit benefits in~~
3 ~~accordance with par. (be).~~ In addition, the claimant shall be denied benefits for that
4 week is ineligible for benefits as provided in par. (be).

5 SECTION 11. 108.04 (11) (be) of the statutes is repealed and recreated to read:

6 108.04 (11) (be) A claimant is ineligible for benefits for acts of concealment
7 described in pars. (a) and (b) as follows:

8 1. For each single act of concealment occurring before the date of the first
9 determination of concealment under par. (a) or (b), the claimant is ineligible for
10 benefits for which he or she would otherwise be eligible in an amount equivalent to
11 2 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which
12 the claim is made.

13 2. For each single act of concealment occurring after the date of the first
14 determination of concealment under par. (a) or (b), the claimant is ineligible for
15 benefits for which he or she would otherwise be eligible in an amount equivalent to
16 4 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which
17 the claim is made.

18 3. For each single act of concealment occurring after the date of a 2nd or
19 subsequent determination of concealment under par. (a) or (b), the claimant is
20 ineligible for benefits for which he or she would otherwise be eligible in an amount
21 equivalent to 8 times the claimant's weekly benefit rate under s. 108.05 (1) for the
22 week in which the claim is made.

23 ~~SECTION 12. 108.04 (11) (bh) of the statutes is created to read:~~

24 ~~108.04 (11) (bh) In addition to ineligibility for benefits resulting from~~
25 ~~concealment as provided in par. (be), the department shall assess a penalty against~~

ASSEMBLY BILL 310

SECTION 12

1 the claimant in an amount equal to 15 percent of the benefit payments paid to the
2 claimant as a result of one or more acts of concealment described in pars. (a) and (b).

3 SECTION 13. 108.04 (11) (bm) of the statutes is amended to read:

4 108.04 (11) (bm) ~~The forfeiture established~~ The department shall apply any
5 ineligibility under par. (be) ~~may be applied~~ against benefits and weeks of eligibility
6 for which the claimant would otherwise become payable to the claimant for weeks
7 of unemployment occurring be eligible after the week of concealment and within 6
8 years after the date of an initial determination issued under s. 108.09 finding that
9 a concealment occurred. The claimant shall not receive waiting period credit under
10 s. 108.04 (3) for the period of ineligibility applied under par. (be). If no benefit rate
11 applies to the week for which the claim is made, the department shall use the
12 claimant's benefit rate for the claimant's next benefit year beginning after the week
13 of concealment to determine the forfeiture amount. ~~If the benefits forfeited would~~
14 ~~otherwise be chargeable to an employer's account, the department shall charge the~~
15 ~~amount of benefits forfeited to the employer's account and shall credit the fund's~~
16 ~~balancing account for that amount~~ of the benefit reduction.

17 SECTION 14. 108.04 (13) (cm) of the statutes, as created by 2011 Wisconsin Act
18 32, is repealed.

19 SECTION 15. 108.05 (3) (a) of the statutes is amended to read:

20 108.05 (3) (a) ~~Except as provided in pars. (b), (c), and (d), and (dm) if an eligible~~
21 ~~employee earns wages in a given week, the first \$30 of the wages shall be disregarded~~
22 ~~and the employee's applicable weekly benefit payment shall be reduced by 67% of the~~
23 ~~remaining amount, except that no such employee is eligible for benefits if the~~
24 ~~employee's benefit payment would be less than \$5 for any week. For purposes of this~~
25 ~~paragraph, "wages" includes any salary reduction amounts earned that are not~~

ASSEMBLY BILL 310

SECTION 21

(b) Which employing unit:

1. Benefits directly or indirectly from the services performed by the employee.
2. Maintains a pool of workers who are available to perform the services in question.
3. Is responsible for employee compliance with applicable regulatory laws and for enforcement of such compliance.

SECTION 22. 108.065 (1m) and (2) of the statutes are renumbered 108.065 (2) (b) and (c).

SECTION 23. 108.065 (3) of the statutes is created to read:

108.065 (3) A provider of home health care and personal care services for medical assistance recipients under ch. 49 may elect to be the employer of one or more employees providing those services. As a condition of eligibility for election to be the employer of one or more employees providing those services, the provider shall notify in writing the recipient of any such services of its election, for purposes of the unemployment insurance law, to be the employer of any worker providing such services to the recipient, and must be treated as the employer by the federal internal revenue service for purposes of federal unemployment taxes on the worker's services.

SECTION 24. 108.09 (2) (b) of the statutes is amended to read:

108.09 (2) (b) The department shall issue determinations whenever necessary to resolve any matters ~~which that~~ may bar, suspend, terminate or otherwise affect the employee's eligibility for benefits or to resolve any liability for penalties under s. 108.04 (11) (bh).

SECTION 25. 108.09 (3) (a) 1. of the statutes is amended to read:

108.09 (3) (a) 1. To hear and decide disputed claims or to resolve liabilities under sub. (2) (b). the department shall establish appeal tribunals. Except as

ASSEMBLY BILL 310

1 authorized in this paragraph, each tribunal shall consist of an individual who is a
2 permanent employee of the department.

3 **SECTION 26.** 108.09 (4r) of the statutes, as created by 2011 Wisconsin Act 32,
4 is repealed.

5 **SECTION 27.** 108.09 (8) (b) of the statutes is amended to read:

6 108.09 (8) (b) Any party in a dispute concerning benefit eligibility or liability
7 for overpayment of benefits or a penalty imposed under s. 108.04 (11) (bh), or in any
8 administrative proceeding under this chapter concerning such a dispute, may be
9 represented by counsel or another agent; but no such counsel or agent may together
10 charge or receive from an employee for all such representation in connection with
11 such a dispute a fee which, in the aggregate, exceeds 10% of the maximum benefits
12 at issue unless the department has first approved a specified higher fee. This
13 paragraph does not apply to any fee charged for representation before a court of law.

14 **SECTION 28.** 108.16 (6) (f) of the statutes is amended to read:

15 108.16 (6) (f) Any amount available for such crediting under s. ~~108.04 (11) (be)~~,
16 108.14 (8n) (e) or 108.141.

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17 **SECTION 29.** 108.16 (6) (L) of the statutes is amended to read:

18 108.16 (6) (L) The amount of any overpayments that are recovered by the
19 department by setoff pursuant to s. 71.93 or the amount of any overpayments
20 resulting from fraud or failure to report earnings that are recovered by the
21 department by offset pursuant to section 6402 (f) of the federal Internal Revenue
22 Code in effect on June 1, 2009, or a similar federal program.

23 **SECTION 30.** 108.16 (6) (m) of the statutes is amended to read:

24 108.16 (6) (m) Any amounts collected from assessments levied under s. 108.19
25 (1m) exceeding the amounts needed to pay interest due on advances from the federal

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ASSEMBLY BILL 457

This bill provides that if the average rate of total unemployment in this state, as determined by the U.S. secretary of labor, is equal to or lower than 6.5 percent for any calendar quarter, DWD must publish a notice to that effect in the Wisconsin Administrative Register. Under the bill, no claimant may qualify to begin receiving extended training benefits in any week that begins after publication of the notice.

Voluntary termination of employment

Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. This bill deletes this exception to the requalification requirement.

Interest on delinquent payments

the Department of Workforce Development

Currently, if an employer does not make a payment required under the UI law to (DWD) by the due date, the employer must pay interest on the amount owed equal to one percent per month or fraction thereof from the date that the payment became due. This bill changes the interest rate on delinquent payments to that monthly rate that annualized is equal to 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the preceding year for each month or fraction thereof that the employer is delinquent.

Payment of benefits during incarceration

Currently, with certain exceptions, an employee is eligible to receive benefits for any week in which the employee receives no wages only if the employee is able to work and available for work during that week. If an employee is incarcerated for an offense that constitutes misconduct connected with his or her employment, the employee is ineligible to receive benefits until the employee requalifies, and any wages earned with the discharging employer are discounted in determining the employee's benefit amount. This bill provides, in addition, that an employee's weekly benefit amount is reduced by one-fifth for each day of any week in which the employee is incarcerated for up to 5 days in a week.

Authority of appeal tribunals

Currently, DWD is directed by law to appoint appeal tribunals to administratively hear and decide disputed UI claims and other matters arising under the UI law. This bill provides that the actions of appeal tribunals must be consistent with applicable state and federal law.

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ASSEMBLY BILL 457

SECTION 7

1 108.06 (1) Except as provided in subs. (6) and (7) and ss. 108.141 and 108.142,
2 no claimant may receive total benefits based on employment in a base period greater
3 than 26 times the claimant's weekly benefit rate under s. 108.05 (1) or 40% of the
4 claimant's base period wages, whichever is lower. Except as provided in subs. (6) and
5 (7) and ss. 108.141 and 108.142, if a claimant's base period wages are reduced or
6 canceled under s. 108.04 (1) (j) or (5) or (18), or suspended under s. 108.04 (1) (f), (10)
7 (a), or (17), the claimant may not receive total benefits based on employment in a base
8 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)
9 or 40% of the base period wages not reduced, canceled or suspended which were paid
10 or payable to the claimant, whichever is lower.

11 SECTION 8. 108.06 (7) (b) (intro.) of the statutes is amended to read:

12 108.06 (7) (b) (intro.) Except as provided in pars. (f) and (g) and (k), a claimant
13 who is otherwise eligible for benefits and who is currently enrolled in a training
14 program is eligible, while enrolled in that training program, for additional benefits
15 under this subsection provided that the claimant:

16 SECTION 9. 108.06 (7) (k) of the statutes is created to read:

17 108.06 (7) (k) If the average rate of total unemployment in this state, seasonally
18 adjusted, as determined by the U.S. secretary of labor, for any calendar quarter, is
19 equal to or lower than 6.5 percent, the department shall publish a notice to that effect
20 in the Wisconsin administrative register. No claimant may qualify to begin receiving
21 benefits under par. (b) in any week beginning after the department publishes a notice
22 under this paragraph.

23 SECTION 10. 108.09 (3) (b) of the statutes is amended to read:

24 108.09 (3) (b) The Consistently with applicable state and federal law, the
25 appeal tribunal may affirm, reverse or modify the initial determination of the

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ASSEMBLY BILL 457

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1 department or set aside the determination and remand the matter to the department
2 for further proceedings, or may remand to the department for consideration of any
3 issue not previously investigated by the department.

4 **SECTION 11.** ~~108.14~~ (8n) (e) of the statutes is amended to read:

5 108.14 **(8n)** (e) The department shall charge this state's share of any benefits
6 paid under this subsection to the account of each employer by which the employee
7 claiming benefits was employed in the applicable base period, in proportion to the
8 total amount of wages he or she earned from each employer in the base period, except
9 that if s. 108.04 (1) (f), (5), ~~(7)~~ (a), (c), (d), (e), (k), (L), (o), (p), (q), or (s), ~~or (t)~~, (7m) or
10 (8) (a) or 108.07 (3), ~~(3f)~~, (5) (b) or (8) would have applied to employment by such an
11 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,
12 the department shall charge the share of benefits based on employment with that
13 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)
14 would have applied to an employer that is not subject to the contribution
15 requirements of ss. 108.17 and 108.18, the department shall charge the share of
16 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The
17 department shall also charge the fund's balancing account with any other state's
18 share of such benefits pending reimbursement by that state.

19 **SECTION 12.** 108.141 (3g) (d) of the statutes is amended to read:

20 108.141 **(3g)** (d) Notwithstanding s. 108.04 (6) and (7), a claimant who was
21 disqualified from receipt of benefits because of voluntarily terminating employment
22 or ~~incurring a disciplinary suspension for good cause~~ being discharged for or
23 incurring a disciplinary suspension for intentional conduct or for a knowing violation
24 of a work rule or policy under s. 108.04 (6) (a) is ineligible to receive extended benefits
25 for the week in which the termination occurs or the suspension begins and for each

ASSEMBLY BILL 457

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1 week thereafter until he or she has again been employed during at least 4 subsequent
2 weeks in employment or other work covered by the unemployment insurance law of
3 any state or the federal government and earned wages for such work equal to at least
4 4 times his or her weekly extended benefit rate.

5 **SECTION 13.** 108.141 (7) (a) of the statutes is amended to read:

6 108.141 (7) (a) The department shall charge the state's share of each week of
7 extended benefits to each employer's account in proportion to the employer's share
8 of the total wages of the employee receiving the benefits in the employee's base
9 period, except that if the employer is subject to the contribution requirements of ss.
10 108.17 and 108.18 the department shall charge the share of extended benefits to
11 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p), (q), or (s), ~~or (t)~~, (7m) or
12 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

13 **SECTION 14.** 108.16 (6m) (a) of the statutes is amended to read:

14 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
15 (7) (h), (8) (a), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), (6), or (8), 108.14
16 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) ~~or (7) (a) and (b).~~

17 **SECTION 15.** 108.22 (1) (a) of the statutes is amended to read:

18 108.22 (1) (a) If any employer, other than an employer which has ceased
19 business and has not paid or incurred a liability to pay wages in any quarter
20 following the cessation of business, is delinquent in making by the assigned due date
21 any payment to the department required of it under this chapter, the employer shall
22 pay interest on the delinquent payment at ~~the rate of one percent per~~ that monthly
23 rate that annualized is equal to 2 percent more than the prime rate as published in
24 the Wall Street Journal as of September 30 of the preceding year for each month or
25 fraction thereof that the employer is delinquent from the date such payment became

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1 due. If any such employer is delinquent in making any quarterly report under s.
2 108.205 (1) by the assigned due date, the employer shall pay a tardy filing fee of \$50
3 for each delinquent quarterly report.

SECTION 16. Initial applicability.

5 (1) The treatment of sections 108.04 (5), (5g), and (6), 108.141 (3g) (d), and
6 108.16 (6m) (a) of the statutes first applies with respect to discharges and
7 suspensions occurring on the first Sunday that follows the 90th day beginning after
8 the effective date of this subsection.

9 (2) The treatment of sections 108.06 (7) (b) (intro.) and (k) of the statutes first
10 applies with respect to weeks of unemployment beginning on the effective date of this
11 subsection.

12 (3) The treatment of sections 108.04 (1) (j) and 108.06 (1) of the statutes first
13 applies with respect to weeks of unemployment beginning after the effective date of
14 this subsection.

15 (4) The treatment of sections 108.04 (7) (h) and (t), 108.14 (8n) (e), and 108.141
16 (7) (a) of the statutes first applies with respect to terminations of employment
17 occurring after the effective date of this subsection.

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18 (5) The treatment of section 108.22 (1) (a) of the statutes first applies with
19 respect to liabilities incurred for the first quarter beginning after the effective
in 2012 date of this
subsection

SECTION 17. Effective date.

20 (1) This act takes effect on the first Sunday after publication.

22 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3912/1

JTK:cjs:jf

Draft delivered from LRB to DWJ

2011 BILL

Monday January 30, 2012 (noon)

*Markup by Dan LaRocque for review
by LRB :*

1 AN ACT *to amend* 108.04 (11) (a) and (b), 108.04 (11) (bm), 108.09 (2) (b), 108.09
2 (3) (a) 1., 108.09 (3) (a) 2., 108.09 (3) (b), 108.09 (8) (b), 108.16 (6) (f), 108.22 (1)
3 (a), 108.225 (1) (b), 108.225 (16) (am) 1. (intro.), 108.225 (17) and 108.24 (1); *to*
4 *repeal and recreate* 108.04 (11) (be); and *to create* 108.04 (2) (ae), 108.04 (11)
5 (bh), 108.16 (6) (n) and 108.22 (8) (bh) of the statutes; **relating to:** concealment
6 of benefit claim information, availability for work, interest on delinquent
7 payments, and the composition and authority of appeal tribunals under the
8 unemployment insurance law.

Analysis by the Legislative Reference Bureau

This bill makes changes in concealment of benefit claim information, the requirement to maintain availability for work, interest on delinquent payments, and the composition and authority of appeal tribunals under the unemployment insurance (UI) law.

Concealment of benefit claim information

Currently, if a claimant conceals any material fact relating to his or her eligibility for UI benefits or conceals any wages earned in or paid or payable for a given week, the claimant is subject to graduated monetary penalties that increase in severity with the number of determinations of concealment by the claimant. In

BILL

addition, if a claimant conceals any wages for a given week, the claimant is ineligible to receive any benefits for that week.

This bill provides instead that a claimant who conceals any material fact relating to his or her eligibility for UI benefits or conceals any wages is subject to a graduated forfeiture of benefit amounts equivalent to specified weeks of benefit eligibility that increases in severity with the number of determinations of concealment by the claimant. In addition, a claimant who is found guilty of concealment is subject to a penalty equal to 15 percent of the benefit payments erroneously paid to the claimant as a result of any acts of concealment. Under the bill, revenues collected from the penalties are deposited in the unemployment reserve fund, which is used to pay benefits.

Availability for work

Currently, with certain exceptions, a claimant is eligible for UI benefits for any week in which the claimant earns no wages only if the claimant is available for work during that week. This bill provides specifically that a claimant is not considered to be available for work in any week in which he or she is in a country other than the United States or Canada for more than 48 hours unless the claimant has authorization to work in that other country and there is a reciprocal agreement concerning the payment of benefits between that other country and the United States.

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to the Department of Workforce Development (DWD) by the due date, the employer must pay interest on the amount owed equal to one percent per month or fraction thereof from the date that the payment became due. This bill changes the interest rate on delinquent payments to that monthly rate that annualized is equal to 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the preceding year for each month or fraction thereof that the employer is delinquent.

Composition and authority of appeal tribunals

Currently, DWD is directed by law to appoint appeal tribunals to administratively hear and decide disputed UI claims and other matters arising under the UI law. An individual who is appointed to serve as an appeal tribunal must be a permanent employee of DWD except that DWD may appoint a person to serve as a temporary appeal tribunal if the individual was formerly appointed to serve as a tribunal while employed by DWD and retired from state service as a permanent employee. This bill permits DWD to appoint any attorney who is licensed to practice in this state to serve as a temporary appeal tribunal. The bill also provides that the actions of appeal tribunals must be consistent with applicable state and federal law.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 108.04 (2) (ae) of the statutes is created to read:

2 108.04 (2) (ae) A claimant is not available for work under par. (a) 1. in any week
3 in which he or she is located in a country other than the United States, as defined
4 in s. 108.02 (15) (do) 2., or Canada for more than 48 hours unless the claimant has
5 authorization to work in that other country and there is a reciprocal agreement
6 concerning the payment of unemployment insurance benefits between that other
7 country and the United States.

8 **SECTION 2.** 108.04 (11) (a) and (b) of the statutes are amended to read:

9 108.04 (11) (a) If a claimant, in filing his or her application for benefits or claim
10 for any week, conceals any material fact relating to his or her eligibility for benefits,
11 the claimant ~~shall forfeit benefits in accordance with~~ is ineligible for benefits as
12 provided in par. (be).

13 (b) If a claimant, in filing a claim for any week, conceals any of his or her wages
14 earned in or paid or payable for that week, the claimant ~~shall forfeit benefits in~~
15 ~~accordance with par. (be).~~ In addition, the claimant shall be denied benefits for that
16 week is ineligible for benefits as provided in par. (be).

17 **SECTION 3.** 108.04 (11) (be) of the statutes is repealed and recreated to read:

18 108.04 (11) (be) A claimant is ineligible for benefits for acts of concealment
19 described in pars. (a) and (b) as follows:

20 1. For each single act of concealment occurring before the date of the first
21 determination of concealment under par. (a) or (b), the claimant is ineligible for

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SECTION 3

benefits for which he or she would otherwise be eligible in an amount equivalent to 2 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which the claim is made.

2. For each single act of concealment occurring after the date of the first determination of concealment under par. (a) or (b), the claimant is ineligible for benefits for which he or she would otherwise be eligible in an amount equivalent to 4 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which the claim is made.

3. For each single act of concealment occurring after the date of a 2nd or subsequent determination of concealment under par. (a) or (b), the claimant is ineligible for benefits for which he or she would otherwise be eligible in an amount equivalent to 8 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which the claim is made.

SECTION 4. 108.04 (11) (bh) of the statutes is created to read:

108.04 (11) (bh) In addition to ineligibility for benefits resulting from concealment as provided in par. (be), the department shall assess a penalty against the claimant in an amount equal to 15 percent of the benefit payments erroneously paid to the claimant as a result of one or more acts of concealment described in pars. (a) and (b).

SECTION 5. 108.04 (11) (bm) of the statutes is amended to read:

108.04 (11) (bm) ~~The forfeiture established~~ The department shall apply any ineligibility under par. (be) may be applied against benefits and weeks of eligibility for which the claimant would otherwise become payable to the claimant for weeks of unemployment occurring be eligible after the week of concealment and within 6 years after the date of an initial determination issued under s. 108.09 finding that

BILL

1 a concealment occurred. The claimant shall not receive waiting period credit under
2 s. 108.04 (3) for the period of ineligibility applied under par. (be). If no benefit rate
3 applies to the week for which the claim is made, the department shall use the
4 claimant's benefit rate for the claimant's next benefit year beginning after the week
5 of concealment to determine the forfeiture amount. ~~If the benefits forfeited would~~
6 ~~otherwise be chargeable to an employer's account, the department shall charge the~~
7 ~~amount of benefits forfeited to the employer's account and shall credit the fund's~~
8 ~~balancing account for that amount of the benefit reduction.~~

9 3 → SECTION 6. 108.09 (2) (b) of the statutes is amended to read:

10 108.09 (2) (b) The department shall issue determinations whenever necessary
11 to resolve any matters ~~which~~ that may bar, suspend, terminate or otherwise affect
12 the employee's eligibility for benefits or to resolve any liability for penalties under
13 s. 108.04 (11) (bh).

14 4 → SECTION 7. 108.09 (3) (a) 1. of the statutes is amended to read:

15 108.09 (3) (a) 1. To hear and decide disputed claims or to resolve liabilities
16 under sub. (2) (b), the department shall establish appeal tribunals. Except as
17 authorized in this paragraph, each tribunal shall consist of an individual who is a
18 permanent employee of the department.

19 5 → SECTION 8. 108.09 (3) (a) 2. of the statutes is amended to read:

20 108.09 (3) (a) 2. The department may appoint an individual who is not a
21 permanent employee of the department to serve as a temporary reserve appeal
22 tribunal ~~if the individual formerly served as an appeal tribunal while employed by~~
23 ~~the department and retired from state service as a permanent employee.~~ An
24 individual who is appointed to serve as a temporary reserve appeal tribunal shall be
25 an attorney who is licensed to practice in this state.

BILL

6
1 SECTION 9. 108.09 (3) (b) of the statutes is amended to read:

2 108.09 (3) (b) The Consistently with applicable state and federal law, the
3 appeal tribunal may affirm, reverse or modify the initial determination of the
4 department or set aside the determination and remand the matter to the department
5 for further proceedings, or may remand to the department for consideration of any
6 issue not previously investigated by the department.

7 7
SECTION 10. 108.09 (8) (b) of the statutes is amended to read:

8 108.09 (8) (b) Any party in a dispute concerning benefit eligibility or liability
9 for overpayment of benefits or a penalty imposed under s. 108.04 (11) (bh), or in any
10 administrative proceeding under this chapter concerning such a dispute, may be
11 represented by counsel or another agent; but no such counsel or agent may together
12 charge or receive from an employee for all such representation in connection with
13 such a dispute a fee which, in the aggregate, exceeds 10% of the maximum benefits
14 at issue unless the department has first approved a specified higher fee. This
15 paragraph does not apply to any fee charged for representation before a court of law.

16 SECTION 11. 108.16 (6) (f) of the statutes is amended to read:

17 108.16 (6) (f) Any amount available for such crediting under s. 108.04 (11) (be),
18 108.14 (8n) (e) or 108.141. }

19 SECTION 12. 108.16 (6) (n) of the statutes is created to read:

20 108.16 (6) (n) Any penalty collected under s. 108.04 (11) (bh).

21 SECTION 13. 108.22 (1) (a) of the statutes is amended to read:

22 108.22 (1) (a) If any employer, other than an employer which has ceased
23 business and has not paid or incurred a liability to pay wages in any quarter
24 following the cessation of business, is delinquent in making by the assigned due date
25 any payment to the department required of it under this chapter, the employer shall

BILL

1 pay interest on the delinquent payment at the rate of one percent per that monthly
2 rate that annualized is equal to 2 percent more than the prime rate as published in
3 the Wall Street Journal as of September 30 of the preceding year ^{whichever is greater,} for each month or
4 fraction thereof that the employer is delinquent from the date such payment became
5 due. If any such employer is delinquent in making any quarterly report under s.
6 108.205 (1) by the assigned due date, the employer shall pay a tardy filing fee of \$50
7 for each delinquent quarterly report.

8 ~~SECTION 14.~~ 108.22 (8) (bh) of the statutes is created to read:

9 108.22 (8) (bh) To recover any penalty under s. 108.04 (11) (bh), the department
10 may recoup the amount of the penalty by filing a warrant against a liable individual
11 in the same manner as is provided in this section for collecting delinquent payments
12 from employers.

13 ~~SECTION 15.~~ 108.225 (1) (b) of the statutes is amended to read:

14 108.225 (1) (b) "Debt" means a delinquent contribution or repayment of a
15 benefit overpayment, an assessment under s. 108.04 (11) (cm) or 108.19 (1m), a
16 liability incurred under s. 108.04 (11) (bh), or any liability of a 3rd party for failure
17 to surrender to the department property or rights to property subject to levy after
18 proceedings under sub. (4) (b) and s. 108.10 to determine that liability.

19 ~~SECTION 16.~~ 108.225 (16) (am) 1. (intro.) of the statutes is amended to read:

20 108.225 (16) (am) 1. (intro.) In the case of benefit overpayments or a penalty
21 imposed under s. 108.04 (11) (bh), an individual debtor is entitled to an exemption
22 from levy of 80% of the debtor's disposable earnings, except that:

23 ~~SECTION 17.~~ 108.225 (17) of the statutes is amended to read:

24 108.225 (17) EXEMPTIONS. The first \$1,000 of an account in a depository
25 institution is exempt from any levy to recover a benefit overpayment or penalty

BILL

SECTION 17

1 imposed under s. 108.04 (11) (bh). No other property is exempt from levy except as
2 provided in sub. (16).

3 ~~SECTION 18.~~ 108.24 (1) of the statutes is amended to read:

4 108.24 (1) Any person who knowingly makes a false statement or
5 representation to obtain any benefit payment under this chapter, either for himself
6 or herself or for any other person, shall be fined not less than \$100 nor more than
7 \$500 or imprisoned not more than 90 days, or both; and each such false statement
8 or representation constitutes a separate offense. This penalty is in addition to any
9 penalty imposed under s. 108.04 (11) (bh). ?

10 ~~SECTION 19.~~ Initial applicability.

11 (1) The treatment of sections 108.04 (11) (a), (b), (be), (bh) and (bm), 108.09 (2)
12 (b), (3) (a) 1., and (8) (b), 108.16 (6) (f) and (n), 108.22 (8) (bh), 108.225 (1) (b), (16) (am)
13 1. (intro.), and (17) and 108.24 (1) of the statutes first applies with respect to weeks
14 of employment beginning with the first Sunday that follows the 180th day beginning
15 after the effective date of this subsection. ← October 20, 2013.

16 (2) The treatment of section 108.04 (2) (ae) of the statutes first applies with
17 respect to weeks of unemployment beginning on the effective date of this subsection.

18 (3) The treatment of section 108.22 (1) (a) of the statutes first applies with
19 respect to liabilities incurred for the first quarter beginning after the effective date
20 of this subsection. ← interest accruals

21 ~~SECTION 20.~~ Effective date.

22 (1) This act takes effect on the first Sunday after publication.

23 (END)

Kuesel, Jeffery

From: LaRocque, Daniel J - DWD [Daniel.LaRocque@dwd.wisconsin.gov]
Sent: Monday, January 30, 2012 5:02 PM
To: Kuesel, Jeffery
Subject: Initial applicability of 15% penalty and related sections
Importance: High

Jeff:

The 2011 federal legislation provides that the penalty for fraudulently obtained benefits must take effect **for overpayments established after October 21 2013**.

UIPL 02-12 (dated December 20, 2011) states:

C. Effective Date: The penalties required under section 303(a)(11), SSA, as amended by the TAAEA, are mandatory for any fraudulent payments established after the end of the two-year period that begins on the date of enactment. That is, a penalty of at least 15 percent must be assessed on any fraudulent overpayment established *after*

October 21, 2013. However, states may opt to apply the penalty to fraudulent payments established earlier than this date.

Consequently, I would suggest that the initial applicability be based **not on weeks of unemployment** after October 21, 2013, but rather as follows:

The treatment of sections 108.04(11)(bh) . . . first applies with respect to overpayments established by the department beginning with October 22, 2013.

Dan

Daniel J. LaRocque
Director, Bureau of Legal Affairs
Unemployment Insurance Division
Wisconsin Department of Workforce Development
201 E. Washington Avenue
Madison, Wisconsin 53708-8942
(608) 267 1406 (direct)
(608) 266 8221 (fax)
Daniel.LaRocque@dwd.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3912/1 2

JTK:cjs:jf

7
stays

TUE 1/31 9 AM if possible

2011 BILL

SA✓

Gen Cat

(regenerate)

1 AN ACT ~~to amend~~ 108.04 (11) (a) and (b), 108.04 (11) (bm), 108.09 (2) (b), 108.09
2 (3) (a) 1., 108.09 (3) (a) 2., 108.09 (3) (b), 108.09 (8) (b), 108.16 (6) (f), 108.22 (1)
3 (a), 108.225 (1) (b), 108.225 (16) (am) 1. (intro.), 108.225 (17) and 108.24 (1); ~~to~~
4 ~~repeal and recreate~~ 108.04 (11) (be); and ~~to create~~ 108.04 (2) (ae), 108.04 (11)
5 (bh), 108.16 (6) (n) and 108.22 (8) (bh) of the statutes; **relating to:** concealment
6 of benefit claim information, availability for work, interest on delinquent
7 payments, and the composition and authority of appeal tribunals under the
8 unemployment insurance law.

Analysis by the Legislative Reference Bureau

This bill makes changes in concealment of benefit claim information, the requirement to maintain availability for work, interest on delinquent payments, and the composition and authority of appeal tribunals under the unemployment insurance (UI) law.

Concealment of benefit claim information

Currently, if a claimant conceals any material fact relating to his or her eligibility for UI benefits or conceals any wages earned in or paid or payable for a given week, the claimant is subject to graduated monetary penalties that increase in severity with the number of determinations of concealment by the claimant. In

BILL

addition, if a claimant conceals any wages for a given week, the claimant is ineligible to receive any benefits for that week.

This bill provides instead that ~~a claimant who conceals any material fact relating to his or her eligibility for UI benefits or conceals any wages is subject to a graduated forfeiture of benefit amounts equivalent to specified weeks of benefit eligibility that increases in severity with the number of determinations of concealment by the claimant. In addition,~~ a claimant who is found guilty of concealment is subject to a penalty equal to 15 percent of the benefit payments erroneously paid to the claimant as a result of any acts of concealment. Under the bill, revenues collected from the penalties are deposited in the unemployment reserve fund, which is used to pay benefits.

Availability for work

Currently, with certain exceptions, a claimant is eligible for UI benefits for any week in which the claimant earns no wages only if the claimant is available for work during that week. This bill provides specifically that a claimant is not considered to be available for work in any week in which he or she is in a country other than the United States or Canada for more than 48 hours unless the claimant has authorization to work in that other country and there is a reciprocal agreement concerning the payment of benefits between that other country and the United States.

Interest on delinquent payments

Currently, if an employer does not make a payment required under the UI law to the Department of Workforce Development (DWD) by the due date, the employer must pay interest on the amount owed equal to one percent per month or fraction thereof from the date that the payment became due. This bill changes the interest rate on delinquent payments to that monthly rate that annualized is equal to 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the preceding year *for each month or fraction thereof that the employer is delinquent.* *9 percent or to*

Composition and authority of appeal tribunals

Currently, DWD is directed by law to appoint appeal tribunals to administratively hear and decide disputed UI claims and other matters arising under the UI law. An individual who is appointed to serve as an appeal tribunal must be a permanent employee of DWD except that DWD may appoint a person to serve as a temporary appeal tribunal if the individual was formerly appointed to serve as a tribunal while employed by DWD and retired from state service as a permanent employee. This bill permits DWD to appoint any attorney who is licensed to practice in this state to serve as a temporary appeal tribunal. The bill also provides that the actions of appeal tribunals must be consistent with applicable state and federal law.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 108.04 (2) (ae) of the statutes is created to read:

2 108.04 (2) (ae) A claimant is not available for work under par. (a) 1. in any week
3 in which he or she is located in a country other than the United States, as defined
4 in s. 108.02 (15) (do) 2., or Canada for more than 48 hours unless the claimant has
5 authorization to work in that other country and there is a reciprocal agreement
6 concerning the payment of unemployment insurance benefits between that other
7 country and the United States.

8 **SECTION 2.** 108.04 (11) (a) and (b) of the statutes are amended to read:

9 108.04 (11) (a) If a claimant, in filing his or her application for benefits or claim
10 for any week, conceals any material fact relating to his or her eligibility for benefits,
11 the claimant shall ~~forfeit benefits in accordance with~~ is ineligible for benefits as
12 provided in par. (be).

13 (b) If a claimant, in filing a claim for any week, conceals any of his or her wages
14 earned in or paid or payable for that week, the claimant shall ~~forfeit benefits in~~
15 ~~accordance with par. (be).~~ In addition, the claimant shall be denied benefits for that
16 week is ineligible for benefits as provided in par. (be).

17 **SECTION 3.** 108.04 (11) (be) of the statutes is repealed and recreated to read:

18 108.04 (11) (be) A claimant is ineligible for benefits for acts of concealment
19 described in pars. (a) and (b) as follows:

20 1. For each single act of concealment occurring before the date of the first
21 determination of concealment under par. (a) or (b), the claimant is ineligible for

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SECTION 3

benefits for which he or she would otherwise be eligible in an amount equivalent to 2 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which the claim is made.

2. For each single act of concealment occurring after the date of the first determination of concealment under par. (a) or (b), the claimant is ineligible for benefits for which he or she would otherwise be eligible in an amount equivalent to 4 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which the claim is made.

3. For each single act of concealment occurring after the date of a 2nd or subsequent determination of concealment under par. (a) or (b), the claimant is ineligible for benefits for which he or she would otherwise be eligible in an amount equivalent to 8 times the claimant's weekly benefit rate under s. 108.05 (1) for the week in which the claim is made.

SECTION 4. 108.04 (11) (bh) of the statutes is created to read:

108.04 (11) (bh) In addition to ineligibility for benefits resulting from concealment as provided in par. (be), the department shall assess a penalty against the claimant in an amount equal to 15 percent of the benefit payments erroneously paid to the claimant as a result of one or more acts of concealment described in pars. (a) and (b).

SECTION 5. 108.04 (11) (bm) of the statutes is amended to read:

108.04 (11) (bm) ~~The forfeiture established~~ The department shall apply any ineligibility under par. (be) may be applied against benefits and weeks of eligibility for which the claimant would otherwise become payable to the claimant for weeks of unemployment occurring be eligible after the week of concealment and within 6 years after the date of an initial determination issued under s. 108.09 finding that

BILL

1 a concealment occurred. ~~The claimant shall not receive waiting period credit under~~
2 ~~s. 108.04 (3) for the period of ineligibility applied under par. (be). If no benefit rate~~
3 ~~applies to the week for which the claim is made, the department shall use the~~
4 ~~claimant's benefit rate for the claimant's next benefit year beginning after the week~~
5 ~~of concealment to determine the forfeiture amount. If the benefits forfeited would~~
6 ~~otherwise be chargeable to an employer's account, the department shall charge the~~
7 ~~amount of benefits forfeited to the employer's account and shall credit the funds~~
8 ~~balancing account for that amount of the benefit reduction.~~

9 **SECTION 6.** 108.09 (2) (b) of the statutes is amended to read:

10 108.09 (2) (b) The department shall issue determinations whenever necessary
11 to resolve any matters which that may bar, suspend, terminate or otherwise affect
12 the employee's eligibility for benefits or to resolve any liability for penalties under
13 s. 108.04 (11) (bh).

14 **SECTION 7.** 108.09 (3) (a) 1. of the statutes is amended to read:

15 108.09 (3) (a) 1. To hear and decide disputed claims or to resolve liabilities
16 under sub. (2) (b), the department shall establish appeal tribunals. Except as
17 authorized in this paragraph, each tribunal shall consist of an individual who is a
18 permanent employee of the department.

19 **SECTION 8.** 108.09 (3) (a) 2. of the statutes is amended to read:

20 108.09 (3) (a) 2. The department may appoint an individual who is not a
21 permanent employee of the department to serve as a temporary reserve appeal
22 tribunal ~~if the individual formerly served as an appeal tribunal while employed by~~
23 ~~the department and retired from state service as a permanent employee.~~ An
24 individual who is appointed to serve as a temporary reserve appeal tribunal shall be
25 an attorney who is licensed to practice in this state.

BILL**SECTION 9**

SECTION 9. 108.09 (3) (b) of the statutes is amended to read:

108.09 (3) (b) The Consistently with applicable state and federal law, the
appeal tribunal may affirm, reverse or modify the initial determination of the
department or set aside the determination and remand the matter to the department
for further proceedings, or may remand to the department for consideration of any
issue not previously investigated by the department.

SECTION 10. 108.09 (8) (b) of the statutes is amended to read:

108.09 (8) (b) Any party in a dispute concerning benefit eligibility or liability
for overpayment of benefits or a penalty imposed under s. 108.04 (11) (bh), or in any
administrative proceeding under this chapter concerning such a dispute, may be
represented by counsel or another agent; but no such counsel or agent may together
charge or receive from an employee for all such representation in connection with
such a dispute a fee which, in the aggregate, exceeds 10% of the maximum benefits
at issue unless the department has first approved a specified higher fee. This
paragraph does not apply to any fee charged for representation before a court of law.

~~**SECTION 11.** 108.16 (6) (f) of the statutes is amended to read:~~

~~108.16 (6) (f) Any amount available for such crediting under s. 108.04 (11) (be),
108.14 (8n) (e) or 108.141~~

SECTION 12. 108.16 (6) (n) of the statutes is created to read:

108.16 (6) (n) Any penalty collected under s. 108.04 (11) (bh).

SECTION 13. 108.22 (1) (a) of the statutes is amended to read:

108.22 (1) (a) If any employer, other than an employer which has ceased
business and has not paid or incurred a liability to pay wages in any quarter
following the cessation of business, is delinquent in making by the assigned due date
any payment to the department required of it under this chapter, the employer shall

BILL

1 pay interest on the delinquent payment at the rate of one percent per that monthly
2 rate that annualized is equal to ~~2~~ 9 percent or to percent more than the prime rate as published in
3 the Wall Street Journal as of September 30 of the preceding year whichever is greater for each month or
4 fraction thereof that the employer is delinquent from the date such payment became
5 due. If any such employer is delinquent in making any quarterly report under s.
6 108.205 (1) by the assigned due date, the employer shall pay a tardy filing fee of \$50
7 for each delinquent quarterly report.

8 **SECTION 14.** 108.22 (8) (bh) of the statutes is created to read:

9 108.22 (8) (bh) To recover any penalty under s. 108.04 (11) (bh), the department
10 may recoup the amount of the penalty by filing a warrant against a liable individual
11 in the same manner as is provided in this section for collecting delinquent payments
12 from employers.

13 **SECTION 15.** 108.225 (1) (b) of the statutes is amended to read:

14 108.225 (1) (b) "Debt" means a delinquent contribution or repayment of a
15 benefit overpayment, an assessment under s. 108.04 (11) (cm) or 108.19 (1m), a
16 liability incurred under s. 108.04 (11) (bh), or any liability of a 3rd party for failure
17 to surrender to the department property or rights to property subject to levy after
18 proceedings under sub. (4) (b) and s. 108.10 to determine that liability.

19 **SECTION 16.** 108.225 (16) (am) 1. (intro.) of the statutes is amended to read:

20 108.225 (16) (am) 1. (intro.) In the case of benefit overpayments or a penalty
21 imposed under s. 108.04 (11) (bh), an individual debtor is entitled to an exemption
22 from levy of 80% of the debtor's disposable earnings, except that:

23 **SECTION 17.** 108.225 (17) of the statutes is amended to read:

24 108.225 (17) EXEMPTIONS. The first \$1,000 of an account in a depository
25 institution is exempt from any levy to recover a benefit overpayment or penalty

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SECTION 17

1 imposed under s. 108.04 (11) (bh). No other property is exempt from levy except as
2 provided in sub. (16).

3 **SECTION 18.** 108.24 (1) of the statutes is amended to read:

4 108.24 (1) Any person who knowingly makes a false statement or
5 representation to obtain any benefit payment under this chapter, either for himself
6 or herself or for any other person, shall be fined not less than \$100 nor more than
7 \$500 or imprisoned not more than 90 days, or both; and each such false statement
8 or representation constitutes a separate offense. This penalty is in addition to any
9 penalty imposed under s. 108.04 (11) (bh).

10 **SECTION 19. Initial applicability.**

11 (1) The treatment of sections 108.04 (11) ~~(a), (b), (be), (bh) and (bm)~~, 108.09 (2)
12 (b), (3) (a) 1., and (8) (b), 108.16 (6) ~~(d) and (n)~~, 108.22 (8) (bh), 108.225 (1) (b), (16) (am)
13 1. (intro.), and (17) and 108.24 (1) of the statutes first applies with respect to ~~overpayments~~
14 of employment beginning with the first Sunday that follows the 180th day beginning
15 after the effective date of this subsection. ~~October 20, 2013~~

16 (2) The treatment of section 108.04 (2) (ae) of the statutes first applies with
17 respect to weeks of unemployment beginning on the effective date of this subsection.

18 (3) The treatment of section 108.22 (1) (a) of the statutes first applies with
19 respect to ~~accrual of interest~~ ~~liabilities incurred~~ for the first quarter beginning after the effective date
20 of this subsection.

21 **SECTION 20. Effective date.**

22 (1) This act takes effect on the first Sunday after publication.

23 (END)

established by the
department of work force
development after
October 21, 2013

(with
respect
to liabilities
incurred
under
section
108.04
(1) (bh)
of the
statutes)

Barman, Mike

From: Williams, Vincent
Sent: Tuesday, January 31, 2012 9:52 AM
To: Barman, Mike
Subject: FW: UIAC agreed upon bill 2
Attachments: 11-39122.pdf

From: Barkelar, Craig D - DWD [mailto:Craig.Barkelar@dwd.wisconsin.gov]
Sent: Tuesday, January 31, 2012 9:35 AM
To: Williams, Vincent; Schulze, Connie R - DWD
Cc: Kelly, Scott; LaRocque, Daniel J - DWD
Subject: RE: UIAC agreed upon bill 2

The senate number is 3976

For jacketing, please call 6-3561 and tell the program assistants which draft is to be jacketed for which house and arrange with them to pick up the jackets or to have someone else do so on your behalf.

Craig Barkelar

Administrator, Division of Unemployment Insurance
Wisconsin Department of Workforce Development
201 East Washington Avenue, Room E300
Madison, WI 53703
Phone: (608) 266-8533 / Fax: (608) 266-0593
Craig.Barkelar@dwd.wisconsin.gov

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From: Williams, Vincent [mailto:Vincent.Williams@legis.wisconsin.gov]
Sent: Tuesday, January 31, 2012 9:30 AM
To: Schulze, Connie R - DWD
Cc: Barkelar, Craig D - DWD
Subject: RE: UIAC agreed upon bill 2

Do we have a draft yet?

Do you have an electronic copy....? I'm getting ready to send out my amended notice.

1/31/2012

From: Schulze, Connie R - DWD [mailto:Connie.Schulze@dwd.wisconsin.gov]
Sent: Friday, January 27, 2012 2:03 PM
To: Williams, Vincent
Cc: Barkelar, Craig D - DWD
Subject: RE: UIAC agreed upon bill 2

We don't have an LRB number yet.

I will ask Craig how close we are to getting that. He knows about the hearing Wed and is working to get things ready. But we had to give the UIAC time to weigh in on the proposed bill so you could stand before your members and say, "This has rec'd the UIAC blessing."

You must have it introduced by 9am Tuesday so you can notice it 24 hours before the hearing, correct?

Connie Schulze
Legislative Liaison
Wisconsin Department of Workforce Development
201 E. Washington Avenue, A400
Madison, WI 53703
Ph: 608/266-1756 Fax: 608/266-1784
connie.schulze@dwd.wisconsin.gov

From: Williams, Vincent [mailto:Vincent.Williams@legis.wisconsin.gov]
Sent: Friday, January 27, 2012 1:46 PM
To: Schulze, Connie R - DWD; Kelly, Scott - LEGIS; Summerfield, Craig - LEGIS
Subject: RE: UIAC agreed upon bill 2

3 p.m. is the briefing, when are we going to see the bill?

Do we know the LRB #?

Are we going to add it to the agenda for Wednesday?

Craig, did you inform your members of your exec, so I can send out my notice?

From: Schulze, Connie R - DWD [mailto:Connie.Schulze@dwd.wisconsin.gov]
Sent: Friday, January 27, 2012 1:19 PM
To: Williams, Vincent; Kelly, Scott; Summerfield, Craig
Subject: RE: UIAC agreed upon bill 2

Does 3pm work for everyone tomorrow?

Connie Schulze
Legislative Liaison
Wisconsin Department of Workforce Development
201 E. Washington Avenue, A400
Madison, WI 53703
Ph: 608/266-1756 Fax: 608/266-1784
connie.schulze@dwd.wisconsin.gov

From: Williams, Vincent [mailto:Vincent.Williams@legis.wisconsin.gov]
Sent: Friday, January 27, 2012 12:41 PM
To: Schulze, Connie R - DWD; Kelly, Scott - LEGIS; Summerfield, Craig - LEGIS
Subject: RE: UIAC agreed upon bill 2

It needs to be at 3 p.m. I have to leave at 4 p.m., I coach hockey on Monday nights.

From: Schulze, Connie R - DWD [mailto:Connie.Schulze@dwd.wisconsin.gov]
Sent: Friday, January 27, 2012 12:24 PM
To: Williams, Vincent; Kelly, Scott; Summerfield, Craig
Subject: UIAC agreed upon bill 2

Can Craig and I come over Monday between 3 and 5 and brief you on the new UIAC bill?

Connie Schulze
Legislative Liaison
Wisconsin Department of Workforce Development
201 E. Washington Avenue, A400
Madison, WI 53703
Ph: 608/266-1756 Fax: 608/266-1784
connie.schulze@dwd.wisconsin.gov